

REMARKS

By the present *Response and Amendment Response After Final Office Action* (hereinafter, "*Response*"), claims 7-9, 38, and 39 are amended. The amendments to the claims are supported by the application as originally filed, and do *not* introduce new matter issues or raise issues requiring further consideration or searches. It is respectfully requested that the Examiner reconsider the Application in view of the following amendments and remarks.

REJECTION OF CLAIMS 7-9, 16, 38, AND 39 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 7-9, 16, 38, and 39 are rejected under 35 U.S.C. § 112, second paragraph. In particular, the Examiner alleged that "[w]ater is listed as both a reactive additive in claims 7-9, 38 and 39 and as a non-reactive additive for claim 16 creating a conflict." Applicant respectfully traverses this rejection, although claims 7-9, 38, and 39 are amended without prejudice for clarity purposes.

Applicant agrees with the Examiner that water can not be both a reactive additive and a non-reactive additive *at the same time*. However, there is no conflict for water to function as a reactive additive in one embodiment of the present invention (e.g., claim 7), and a non-reactive additive in another embodiment of the present invention (e.g., claim 16). Applicant respectfully submits that the specification of the Application clearly established that, (1) on the one hand, in various embodiments of the present invention water may function as a reactive additive (see, e.g., Paragraph 0061, "[w]ater may also be considered a reactive additive due to its interaction with the polymer matrix when acidic or basic reactive additives are present."); and (2) on the other hand, in various embodiments of the present invention water may simply function as a non-reactive additive (such as, a vehicle. See, e.g., Paragraph 0074). It is respectfully submitted that the Examiner withdraw the rejection and claims 7-9, 16, 38, and 39 are in condition for allowance.

REJECTION OF CLAIMS 7-10 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 7-10 are rejected under 35 U.S.C. § 112, second paragraph, as being improperly depending from canceled claim 6.

Applicant respectfully submits that, by the present *Response*, the dependency error in claim 7 is amended and claims 7-10 are in condition for allowance.

REJECTION OF CLAIMS 1-3, 5, 7-12, 15, 16, 18, 20-22, 24, 34-36, AND 38-45 UNDER 35 U.S.C. § 103(a)

Claims 1-3, 5, 7-12, 15, 16, 18, 20-22, 24, 34-36, and 38-45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jaffe et al U.S. Patent Application No. 2004/0118287 ("the '287 application") in view of Kishovich et al U.S. Patent Application No. 2002/0178923 ("the '923 application"). Applicant respectfully traverses this rejection in view of the presently submitted Declaration under 37 C.F.R. §1.131 (Rule 131 declaration).

An applicant may establish prior invention by showing facts that the applicant conceived the invention prior to the effective filing date of the cited reference, coupled with due diligence from prior to that date to a subsequent reduction to practice or to the filing of the application.

Applicant's Rule 131 declaration sets forth facts sufficient to show that Applicant (1) conceived the invention prior to the August 13, 2002 effective filing date of the '287 application and (2) worked diligently from prior to that date to a subsequent reduction to practice. Applicant respectfully submits that Applicant's Rule 131 declaration satisfies the requirements of 37 C.F.R. §1.131. Therefore, it is respectfully submitted that the '287 application is not prior art against Applicant's application

Applicant respectfully submits that claims 1-3, 5, 7-12, 15, 16, 18, 20-22, 24, 34-36, and 38-45 are in condition for allowance.

REJECTION OF CLAIMS 4, 17, 33, AND 37 UNDER 35 U.S.C. § 103(a)

Claims 4, 17, 33, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the '287 application in view of the '923 application, and further in view of Koslow U.S. Patent Application No. 2003/0140785 ("the '785 application"). Applicant respectfully traverses this rejection in view of the presently submitted Declaration under 37 C.F.R. §1.131 (Rule 131 declaration).

Applicant has established, *supra*, that the '287 application is not prior art to be cited against Applicant's application. In addition, Applicant's Rule 131 declaration sets forth facts sufficient to show that Applicant (1) conceived the invention prior to the January 31, 2002 effective filing date of the '785 application and (2) worked diligently from prior to that date to a subsequent reduction to practice. Applicant respectfully submits that Applicant's Rule 131 declaration satisfies the requirements of 37 C.F.R. §1.131. Therefore, it is respectfully submitted

that the '785 application is also not prior art against Applicant's application.

Applicant respectfully submits that claims 4, 17, 33, and 37 are in condition for allowance.

FEES

No Claims fees are due, as this *Response* is being filed within three months of the mailing of the *Final Office Action*, and more specifically within two months.

CONCLUSION

By the present *Response*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

Certificate of Transmission:

I hereby certify that this correspondence is being submitted by e-filing to the US Patent and Trademark Office in accordance with §1.8 on this date via the EFS-Web electronic filing system.

/Ryan A. Schneider 45083/

17 August 2006

Troutman Sanders LLP
Bank of America Plaza
600 Peachtree Street, N.E., Suite 5200
Atlanta, Georgia 30308-2216
United States
Phone: 404.885.2773
Fax: 404.962.6849

Respectfully submitted,

/Ryan A. Schneider 45083/

Ryan Schneider
Registration No. 45,083